

REMARKS

New claims 19 and 20 have been added. The presently added claims 19 and 20 are directed to methods for refreshing air, comprising all of the limitations of claims 16 and 17, respectively, and the additional apparatus features of claim 1.

The present amendment adds no new matter.

The Restriction/Election Requirement

The Examiner requires restriction under 35 U.S.C. 121 to one of the following inventions:

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| Group I | Claims 1-15, drawn to an apparatus for refreshing air, classified in class 239, subclass 306; or |
| Group II | Claims 16-18, drawn to a method of refreshing air, classified in class 239, subclass 8. |

The Examiner justifies the requirement by stating that the inventions of Groups I and II are patentably distinct because the process claims of Group II could be practiced with an apparatus materially different from that of Group I.

In compliance with 37 C.F.R. §1.143, Applicants elect to further prosecute the subject matter of Group I, claims 1-15. Applicants assert that new claims 19 and 20 should be examined with the claims of Group I: they are claims to the practice of a process, linking apparatus and process claims. M.P.E.P. 809.03. The election is made with traverse. Applicants respectfully request reconsideration and withdrawal of the restriction requirement for the following reasons.

First, the method and apparatus claims are so closely related that concurrent examination of all of the claims would pose scarcely any additional burden on the Examiner. For example, the method steps of claim 16 are those which would naturally be practiced using the apparatus described in claim 1. Even without considering the linking claims, examination of both Groups would entail almost no additional effort as compared to examination of Group I alone.

Second, with the addition of the linking claims, which Applicants assert must be examined with the elected Group I, the Examiner's search will necessarily include art appropriate to both Groups I and II. It would be simplest to withdraw the election

requirement now rather than later, upon the likely allowance of a linking claim.

M.P.E.P. 809.04.


Finally, many policy reasons support withdrawal of the restriction requirement. Applicants would face undue expense in filing and prosecuting multiple applications, and would have to pay excessive issue and maintenance fees. The resulting costs to Applicants would be disproportionate to the quantity of patentable subject matter. The PTO would face increased examiner workload from the redundant procedural requirements resulting from the unnecessary division. Finally, the public would be burdened by the uncertain scope during serial prosecution, by the costs and time to review multiple file histories, and by litigation uncertainty arising from differing file histories produced by various Examiners with different viewpoints.

Applicants respectfully request an expedited and timely response to applicants' request for reconsideration of the restriction requirement so that, in the event that the Examiner upholds the restriction requirement, Applicants may promptly file a petition to withdraw the restriction requirement in accordance with 37 C.F.R. §1.144.

It is believed that this application is now in condition for examination, and the Examiner's early and favorable consideration is earnestly solicited. Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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